



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/147,941 11/05/93 BROOKS

21M1/1228

WOOD, HERRON & EVANS
2700 CAREW TOWER
CINCINNATI, OH 45202

D	RMB:7
EXAMINER	

MARTIN, D

ART UNIT	PAPER NUMBER
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2107

DATE MAILED:

12/28/94

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 9-30-94 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 45 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-44 and 46-48 are pending in the application.

Of the above, claims are withdrawn from consideration.

2. ☐ Claims have been cancelled.

3. ☒ Claims 14-44 and 46-48 are allowed.

4. ☒ Claims 1-3 and 7-9 are rejected.

5. ☒ Claims 4-6 and 10-13 are objected to.

6. ☐ Claims are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. ; filed on

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☒ Other The drawings filed 9-30-94 have been approved by the draftsman

EXAMINER'S ACTION

Art Unit: 2107

This action is in response to an amendment filed 9-30-1994. The previous rejections have been overcome and the following new rejection is given.

1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 1-3, and 7-9 are rejected under 35 U.S.C. § 103 as being unpatentable over Gonser et al. in view of Benjamin et al..

Gonser et al. teaches a programmable adjustable medical chair with buttons 21 and 23 that are for the user to adjust the chair. Gonser et al. fail to teach the use of membrane switches. Benjamin et al. teach the use of membrane switches. One of ordinary skill in the art would have known to use the membrane switches taught by Benjamin et al. as the switches in Gonser et al.. It would have been obvious

Art Unit: 2107

to one of ordinary skill in the art to have used these switches within Gonser et al. to prevent accidental switching as well as cost benefits. Contrary to the response filed 9-30-1994 Gonser et al. does teach dual power supplies. Clearly power supply device P produce a low voltage (5 volts) for the computer and control switches as well as a high voltage source for the signal to be sent to the motor. This is a well known technique as all computer circuitry uses a very low voltage. It is obvious to anyone skilled in the art that the importance is placed in the use of a separate high voltage for the motor and a second low voltage for the control circuitry. The two power device shown in figure 2 of Gonser et al. perform the same function as that of applicant's dual power sources.

3. Claims 4-6 and 10-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 14-44 and 46-48 are found allowable.

Serial Number: 08/147941

-4-

Art Unit: 2107

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Martin whose telephone number is (703) 308-3121.



DM
December 12, 1994

DAVID S. MARTIN
PATENT EXAMINER
GROUP 2103

5467002

08/147,041

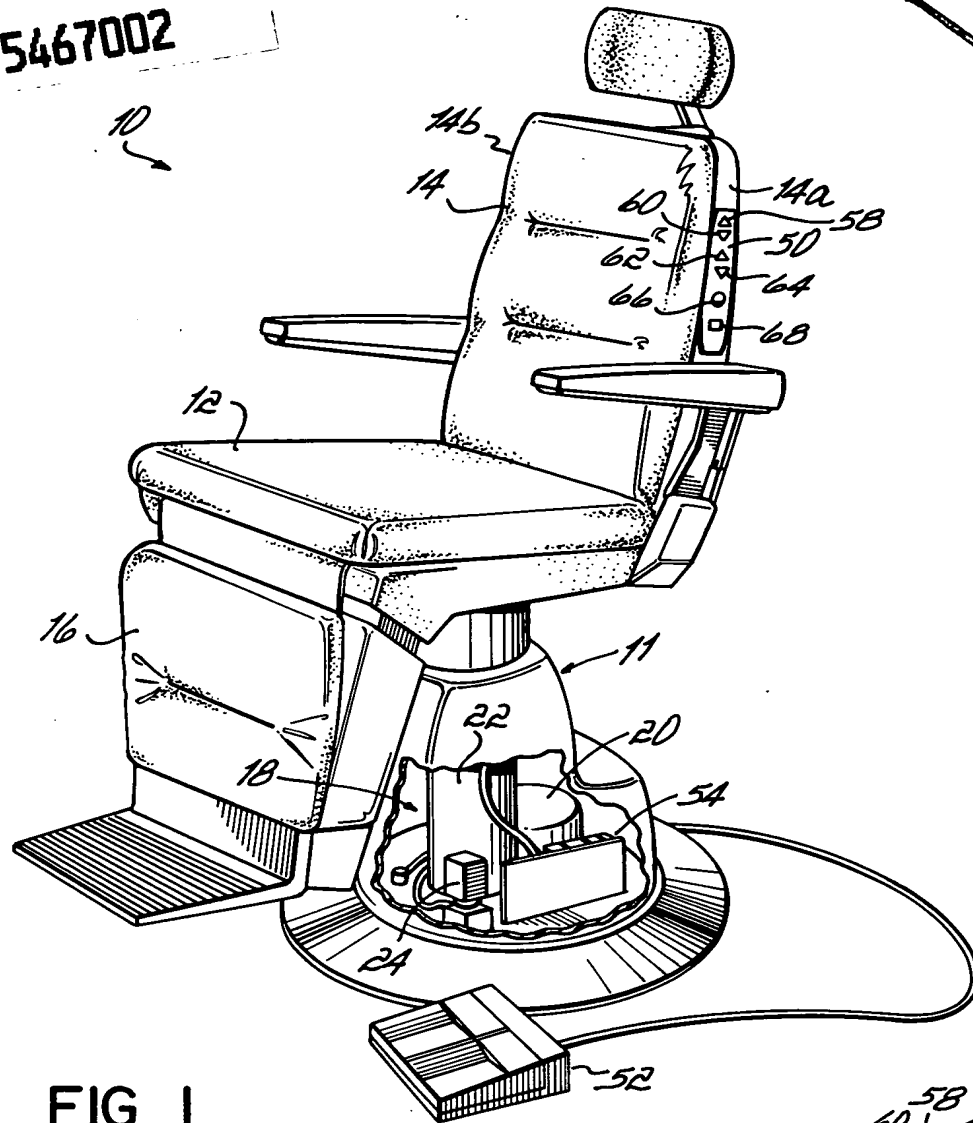


FIG. 1

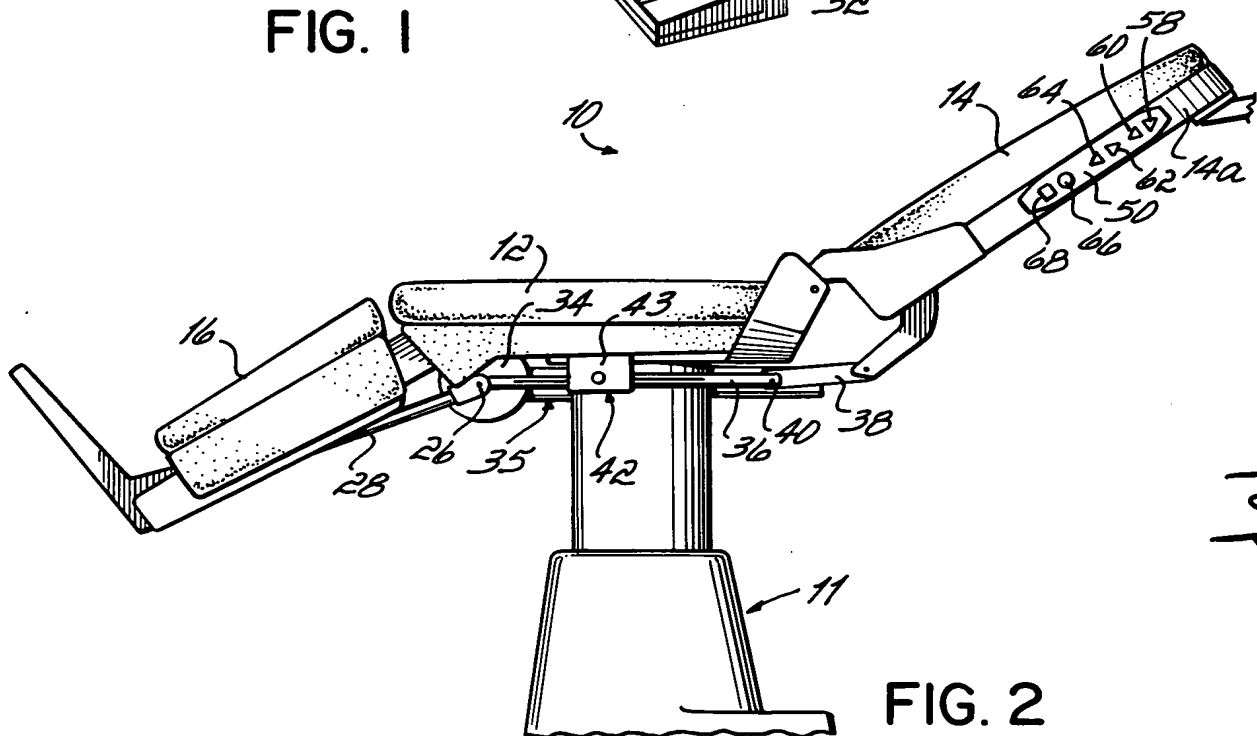


FIG. 2

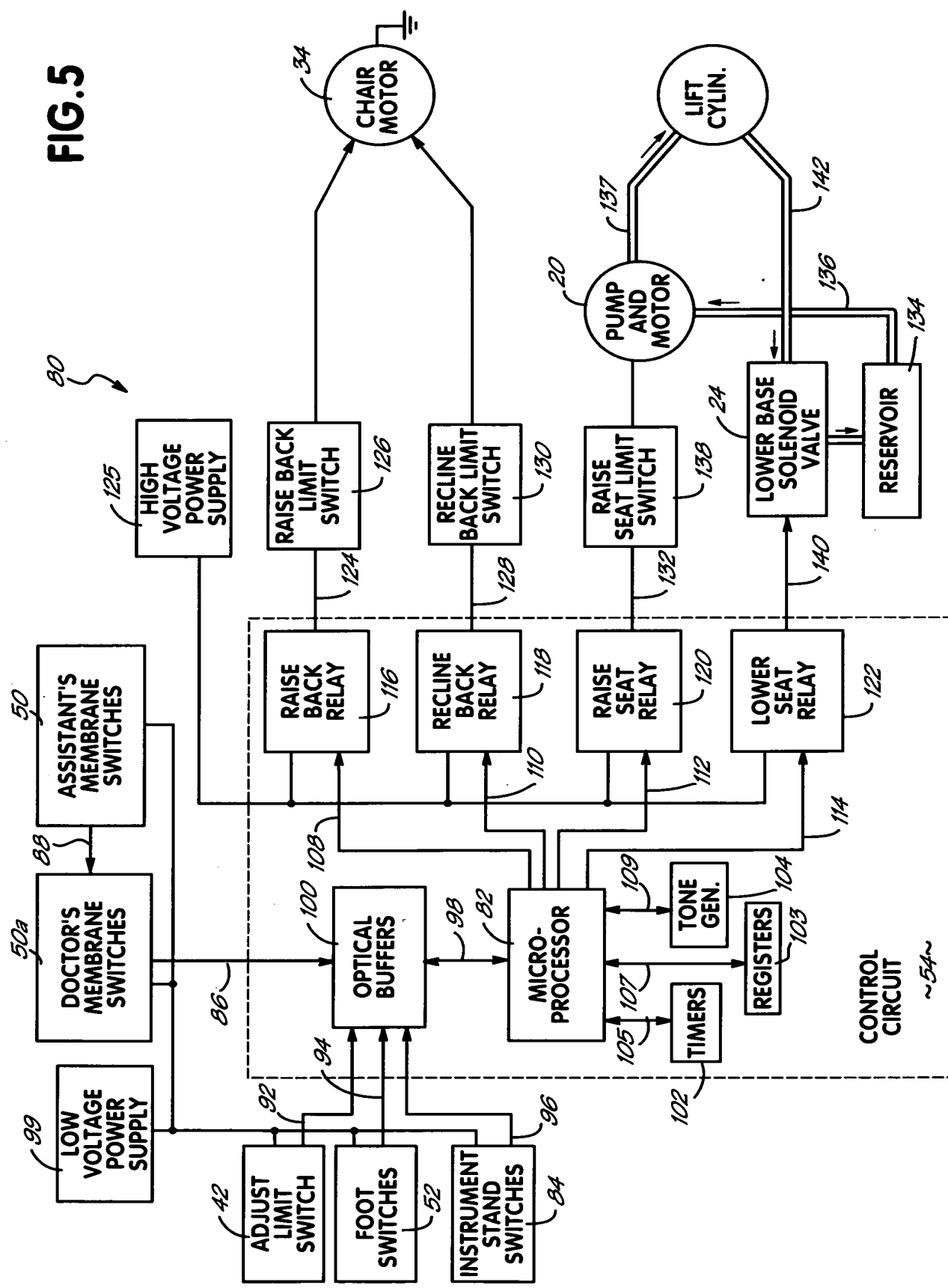
16/10/08

APPROVED
O.G. FIG. 5
3/6 553

APPROVED BY 36-553
O.G. FIG. 5

147941

FIG. 5



147,941

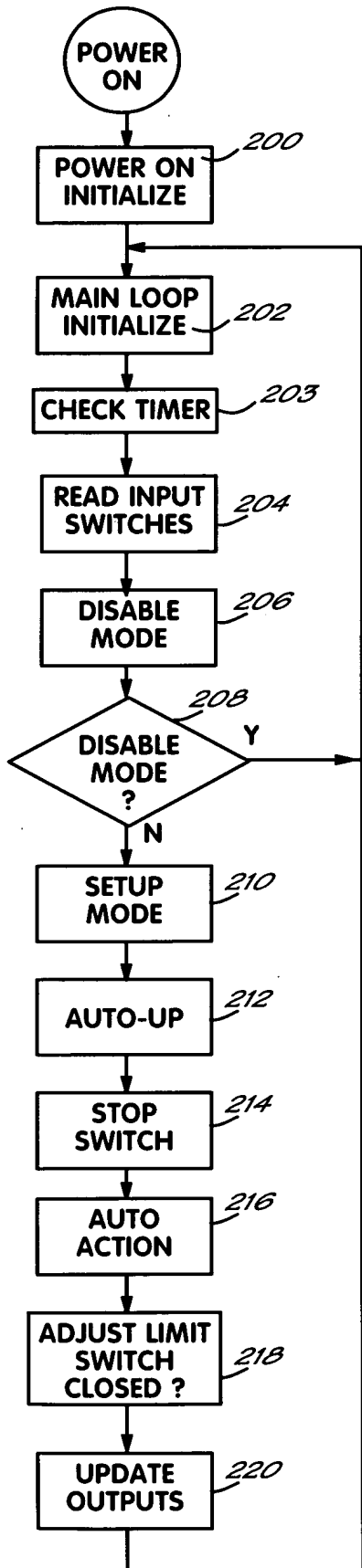


FIG. 6

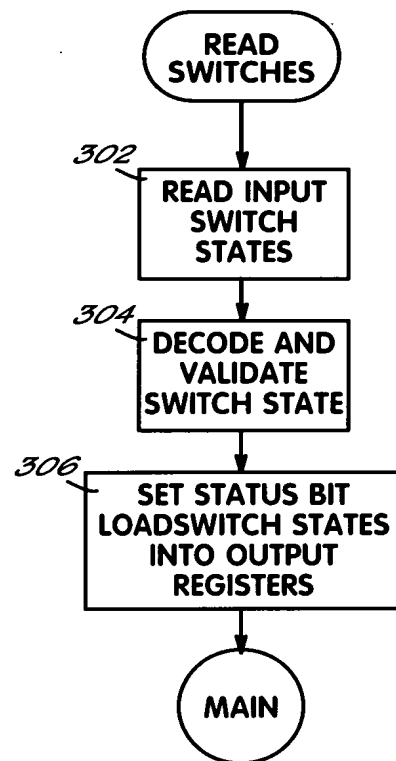


FIG. 7

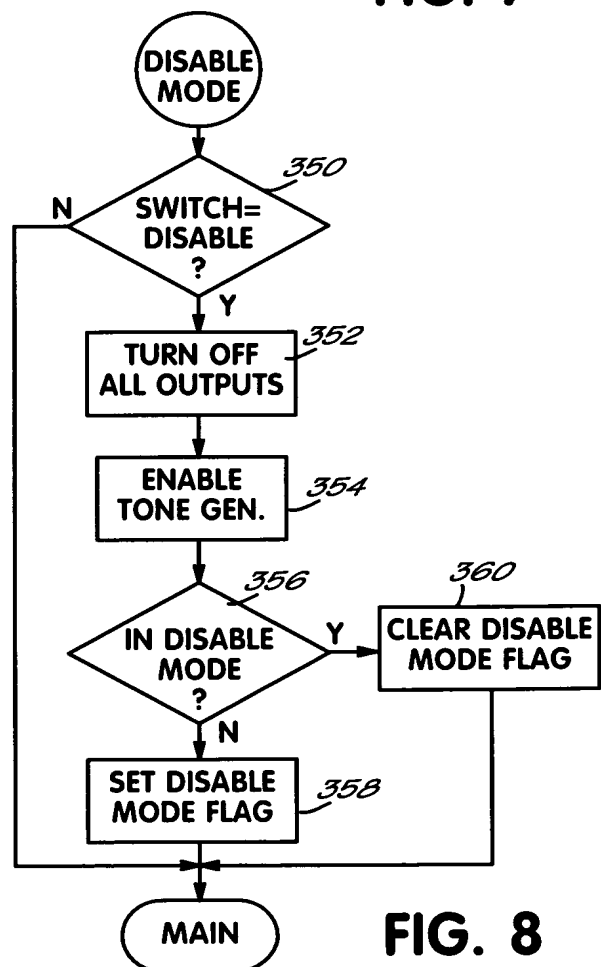


FIG. 8

APPROVED BY O.G. FIG. 6